

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN DEMOS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 19-10553

Honorable Laurie J. Michelson

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**ORDER DENYING PETITIONER’S MOTION TO PROCEED IN FORMA  
PAUPERIS [2] AND MOTION TO APPOINT COUNSEL [3], AND SUMMARILY  
DISMISSING THE COMPLAINT [1]**

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John Demos is a prisoner in the state of Washington. He has filed suit in Michigan seeking to resolve some inconsistencies he perceives in the Constitution. (ECF No. 1.) And he wants to proceed toward resolution without first paying the fee for this action. (ECF No. 2.)

Indigent litigants may “commence a civil action without prepaying fees or paying certain expenses.” *Coleman v. Tollefson*, 135 S.Ct. 1759, 1761 (2015) (citing 28 U.S.C. § 1915). Proceeding without paying is possible so long as the plaintiff has not had three or more federal cases dismissed as “frivolous, malicious,” or for failing to state a claim. 28 U.S.C. § 1915(g). But Demos has already struck out. *See Demos v. United States*, No. 19-020, 2019 WL 826451, at \*2 (D.N.D. Feb. 21, 2019) (dismissed under § 1915(g) three-strikes provision); *Demos v. United States Attorney General, et al.*, No. MC10-54, 2010 WL 1980310 (W.D. Wash. 2010) (pointing out that Demos is “under pre-filing bar orders” in Washington courts, the Ninth Circuit, and the Supreme Court); *Demos v. Doe*, 2006 WL 891447 (D. N.J. 2006) (citing 27 times where Demos’ complaints were dismissed as frivolous); *see also Demos v. Crossland*, 967 F.2d 585 (9th Cir. 1992); *Demos v. Time Magazine*, 977 F.2d 588 (9th Cir. 1992); *Demos v. United States*, 927 F.2d

608 (9th Cir. 1991); *Demos v. Browning*, 943 F.2d 55 (9th Cir. 1991); *Demos v. United States District Court for the Eastern District of Washington*, 925 F.2d 1160 (9th Cir. 1991); *Demos v. Kincheloe*, 563 F. Supp. 30, 31 (E.D. Wa. 1982). And Demos offers nothing to suggest he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Nor can he escape this litigation history by filing in a new jurisdiction.

Accordingly, Demos' motion to proceed in forma pauperis (ECF No. 2) is DENIED, and his complaint (ECF No. 1) is summarily DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(g). As a result, Demos' motion to appoint counsel (R. 3) is DENIED as moot. Finally, an appeal from this order could not be taken in good faith. 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated: April 8, 2019  
Detroit, Michigan

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
United States District Judge

#### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 8, 2019.

s/Karri Sandusky on behalf of  
William Barkholz, Case Manager